



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,833	12/02/2003	Attila Grauzer	PA0941.ap.US	3573

7590 01/22/2007
MARK A. LITMAN & ASSOCIATES, P.A.
Suite 205
York Business Center
3209 West 76th St.
Edina, MN 55435

EXAMINER

LAYNO, BENJAMIN

ART UNIT	PAPER NUMBER
3711	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/725,833	GRAUZER ET AL.
	Examiner	Art Unit
	Benjamin H. Layno	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 October 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 36-62 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 36-43 is/are allowed.
- 6) Claim(s) 44-62 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Applicant's arguments filed 10/30/06 have been fully considered but they are not persuasive.

Allowable Subject Matter

2. Claims 36-43 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter: None of the cited references alone or in combination teach the claimed "a card loading area", "a plurality of randomized sets of cards and each randomized sets of cards is delivered to a same single tray", "a shuffling chamber having a plurality of card receiving compartments, wherein each compartment is able to receive more than one card within an opening of the card-receiving compartment, wherein the same single tray is separate from an area in the apparatus for forming the plurality of randomized sets of cards" recited in claim 36.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 44-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelley. The patent to Kelley discloses an apparatus for delivering hands of randomly mixed cards. A deck of playing cards is provided in a loading area 2, 3, 4. An area 24 in the

apparatus comprising a pinch roller 19, photo sensor 20, processor 26, motor 21, and displacement cam 22, **distributes the cards contributing to the forming** of at least one set (hand) of playing cards within the apparatus from the at least one deck of playing cards, col. 7, line 44 to col. 8, line 7. The apparatus further comprises a plurality of delivery trays or card receiving compartments 12. Thus, there is **at least** a single delivery tray 12. The single delivery tray 12 is separate from the area 24 in the apparatus for the forming of the at least one set of cards. The motor 21 and displacement cam 22 delivers a set of randomly mixed playing cards to a single delivery tray 12. The formed set of randomly mixed playing cards from the single delivery tray is manually withdrawn and delivered to a player, with all the playing cards in the individual set delivered at the same time, col. 8, lines 11-14. A second set of randomly mixed playing cards is formed within the same single delivery tray after the first set of cards is removed from the single delivery tray.

Response to Arguments

The Applicant has argued that Kelley teaches a dealing module in which cards are provided in a first card receiver and then cards are individually directed along a movable chute to a multiplicity of card delivery trays. The system of Kelley cannot function without the multiplicity of cards delivery trays, and direct transporting of cards from the card receiver to the multiplicity of delivery trays is the only hand forming mechanism shown. While the system of the presently claimed technology teaches a dealing module in which cards are provided in a first card receiver, then cards are

moved to form sets of randomized cards in multiple trays within the module, and then sets of cards are unloaded into a single delivery tray to form a hand that is then removed. **The independent claims 44, 51, 56, 61 and 62 do not recite any structure involved in the forming of at least one set of playing cards within the apparatus before the set of card are delivered to the single delivery tray. Furthermore, there are no detailed steps in how the set of playing cards are formed in the structure before the set of cards are delivered to the single delivery tray.** The independent claims 44, 51, 56, 61 and 62 of the present invention only recite "forming at least one set of cards within the apparatus from the at least one deck of playing cards".

Therefore, this step is broad and meets Kelley's invention.

In independent claims 44, 51, 56, 61 and 62 of the present invention recite that a randomly formed set or group of mixed playing cards are delivered or transferred into a single delivery tray. **The Examiner takes the position that "a single delivery tray" broad and is not limited to consisting of only one delivery tray. Therefore, Kelley meets this limitation.**

The Applicant has argued that Kelley cannot replace cards in a single tray, because when a hand is removed, the complete deck has been dealt. The Examiner takes the position that the recitation "forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed and put into play", recited in independent claims 44, 51, 56, 61 and 62 is broad. There is no recitation of exactly the period of time (time lapse) between the time the first group of cards is removed from the delivery tray and the time

the second group of cards is formed in the delivery tray. Thus, the term "after" may be broadly interpreted as meaning after the first game is completed and the played cards are returned to the shuffling machine. While playing first card game using Kelley's delivery apparatus, a first group of randomized cards are removed from Kelley's single delivery tray. When the first game is over, cards are returned to Kelley's delivery apparatus, and a second set of randomly mixed playing cards is formed within Kelley's single delivery tray to start a second game. Thus, the second set of randomly mixed playing cards is formed within Kelley's single delivery tray after the first set of cards is removed from Kelley's single delivery tray.

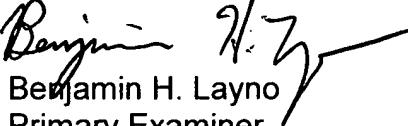
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Benjamin H. Layno
Primary Examiner
Art Unit 3711

bhl